

1 TOWNSEND AND TOWNSEND AND CREW LLP
 JAMES G. GILLILAND, JR. (State Bar No. 107988)
 2 MEHRNAZ BOROUHAND SMITH (State Bar No. 197271)
 MEGAN M. CHUNG (State Bar No. 232044)
 3 J. JEB B. OBLAK (State Bar No. 241384)
 Two Embarcadero Center, Eighth Floor
 4 San Francisco, CA 94111
 Telephone: (415) 576-0200
 5 Facsimile: (415) 576-0300
 Email: jggilliland@townsend.com
 6 mboroumand@townsend.com
 mmchung@townsend.com
 7 jboblak@townsend.com

8 Attorneys for Plaintiff and Counterdefendant
 APPLE INC.

10 UNITED STATES DISTRICT COURT
 11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 12 SAN FRANCISCO DIVISION

13 APPLE INC., a California corporation,

14 Plaintiff,

15 v.

16 PSYSTAR CORPORATION, a Florida
 corporation, and DOES 1-10, inclusive,

17 Defendants.

18 AND RELATED COUNTERCLAIMS
 19

Case No. CV 08-03251 WHA

**NOTICE OF MOTION AND MOTION TO
 DISMISS OR ENJOIN RECENTLY-
 FILED FLORIDA ACTION AND RE-
 OPEN DISCOVERY FOR LIMITED
 PURPOSES**

Date: September 24, 2009

Time: 8:00 a.m.

Courtroom: 9

Trial Date: January 11, 2010

1 PLEASE TAKE NOTICE that on September 24, 2009, at 8:00 a.m., or as soon thereafter as
2 the matter can be heard, in the courtroom of the Honorable William Alsup, located at 450 Golden
3 Gate Avenue, Courtroom 9, San Francisco, California 94102, plaintiff and counterdefendant, Apple
4 Inc. will, and hereby does, move for an order dismissing or enjoining Psystar Corporation's
5 recently-filed Florida action and re-open discovery for limited purposes.

6 DATED: September 11, 2009

Respectfully submitted,

7 TOWNSEND AND TOWNSEND AND CREW LLP
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9 By: /s/ James G. Gilliland, Jr.
10 JAMES G. GILLILAND, JR.

11 Attorneys for Plaintiff and Counterdefendant
12 APPLE INC.

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